APPENDIX A

[Filed, July 22, 1996]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

Case Number: 92-0922-CV-W-9
95-0819-CV-W-9

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM,
Plaintiff,

v.

REIMER & KOGER ASSOCIATES, INC., *et al.*,
Defendant.

JUDGMENT IN A CIVIL CASE

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

1) because there is no just reason for delay and for the reasons stated in the order dated June 3, 1996, judgment is entered in favor of I.I. Ozar, the Estate of Frank Morgan, Sherman Dreiseszun, Frank Sebree, Reimer & Koger Associates, Inc., Ron Reimer, Ken Koger, Clifford Shinski, Brent Messick, Robert Crew and Shook Hardy and Bacon and against plaintiff on all claims asserted against these defendants in plaintiff's Amended Complaint;

2) defendants' request that the September 28, 1995, preliminary injunction be made permanent is granted;

3) KPERS is permanently enjoined from filing in any other court, claims arising out of KPERS' investments in Home Savings against the following defendants: Shook Hardy and Bacon; Frank Sebree; KPMG Peat Marwick; Robert W. L. Spence; Reimer & Koger Associates, Inc.; Ronald Reimer; Kenneth Koger; Robert Crew; Clifford Shinski; Brent Messick; and Blackwell Sanders Matheny Weary & Lombardi; and

4) the $500 bond submitted to the Clerk of the Court by each defendant at the time the preliminary injunction was entered shall be applicable to the permanent injunction.

Date July 22, 1996

R. F. CONNOR
Clerk

/s/
(By) Deputy Clerk

[Filed, July 22, 1996]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 92-0922-CV-W-9

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM,
Plaintiff,

v.

REIMER & KOGER ASSOCIATES, INC., *et al.*,
Defendants,

FRANK MORGAN, *et al.*,
Defendants and
Third-Party Plaintiffs,

v.

RESOLUTION TRUST CORPORATION,
Third-Party Defendant.

No. 95-0819-CV-W-9

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM,
Plaintiff,

v.

BLACKWELL SANDERS MATHENY WEARY &
LOMBARDI, L.C., *et al.*,
Defendants and
Third-Party Plaintiffs,

v.

RESOLUTION TRUST CORPORATION,
Third-Party Defendant.

ORDER GRANTING DEFENDANTS' MOTION FOR FINAL JUDGMENT PURSUANT TO RULE 54 AND GRANTING DEFENDANTS' MOTION FOR PERMANENT INJUNCTION

On June 3, 1996, I issued an order granting summary judgment in favor of Reimer & Koger Associates, Inc., Kenneth Koger, Ron Reimer, Clifford Shinski, Brent Messick, and Robert Crew (the Reimer & Koger defendants); I.I. Ozar, Sherman Dreiseszun, and the Estate of Frank Morgan (the HSA defendants); Frank Sebree; and Shook, Hardy & Bacon (Shook Hardy) because KPERS' claims asserted against those defendants are barred by the applicable Kansas statute of limitations.

After the June 3, 1996, order was issued, the HSA defendants moved for a final judgment under Rule 54(b), Federal Rules of Civil Procedure.

During a hearing on June 28, 1996, the Reimer & Koger defendants, Shook Hardy and Frank Sebree, joined in the HSA defendants' motion. KPERS' counsel stated that KPERS did not oppose the motion as long as all parties whose summary judgment motions were decided in the June 3, 1996, order were included in the Rule 54(b) final judgment.

Rule 54(b) provides:

> When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.

No just reason exists for delay in entering a final judgment pursuant to Rule 54(b), in favor of all the defendants in Case No. 92-0922 who prevailed in the June 3,

1996, order. Thus, defendants' Motion for a Final Judgment Under Rule 54(b) will be granted.

Also during the June 28, 1996, hearing, Shook Hardy's counsel requested that as part of the Rule 54(b) final judgment entered in this case the preliminary injunction entered on September 28, 1995, be made permanent. (The preliminary injunction prohibited KPERS from filing, in any other court, claims against the defendants named in that order arising out of KPERS' investments in Home Savings.) Defendant Frank Sebree joined in the motion. KPERS requested an opportunity to file a written response to the oral motion.

On July 5, 1996, I issued an Order Directing KPERS to Show Cause Why Permanent Injunction Should Not Issue.

By letter dated July 16, 1996, KPERS responded to the Show Cause order. In its letter, KPERS states that it opposes the request that a permanent injunction be entered for all the reasons it objected to the entry of the preliminary injunction. In addition, KPERS asserts that Shook Hardy has not articulated any good cause for a permanent injunction.

After receiving an adverse ruling on the statute of limitations from the Eighth Circuit Court of Appeals, KPERS brought suit in Kansas against Blackwell Sanders Matheny Weary & Lombardi (Blackwell Sanders) and many of the defendants in Case No. 92-0922 asserting the same claims that had been pending for years in this court. Without the injunction I entered on September 28, 1995, I am persuaded that KPERS might again embark on a program of suing the defendants in Case No. 92-0922 and Blackwell Sanders in Kansas asserting the same claims asserted in those cases. For this reason, I restate as if fully set out in this order the findings of facts and conclusions of law stated on the record at the September 28, 1995, hearing when I granted defendants' motion for preliminary injunctive relief. In order to protect the jurisdiction of this

court and to protect the defendants from needless expense and repetitive litigation, defendants' motion that KPERS be permanently enjoined from bringing suit against them in any other court for claims arising out of KPERS' investment in Home Savings will be granted.

Accordingly, it is ORDERED that:

1) because there is no just reason for delay and for the reasons stated in the order dated June 3, 1996, judgment is entered in favor of I.I. Ozar, the Estate of Frank Morgan, Sherman Dreiseszun, Frank Sebree, Reimer & Koger Associates, Inc., Ron Reimer, Ken Koger, Clifford Shinski, Brent Messick, Robert Crew and Shook Hardy and Bacon and against plaintiff on all claims asserted against these defendants in plaintiff's Amended Complaint;

2) defendants' request that the September 28, 1995, preliminary injunction be made permanent is granted;

3) KPERS is permanently enjoined from filing in any other court, claims arising out of KPERS' investments in Home Savings against the following defendants: Shook Hardy and Bacon; Frank Sebree; KPMG Peat Marwick; Robert W. L. Spence; Reimer & Koger Associates, Inc.; Ronald Reimer; Kenneth Koger; Robert Crew; Clifford Shinski; Brent Messick; and Blackwell Sanders Matheny Weary & Lombardi; and

4) the $500 bond submitted to the Clerk of the Court by each defendant at the time the preliminary injunction was entered shall be applicable to the permanent injunction.

/s/ D. Brook Bartlett
D. BROOK BARTLETT
United States District Court

Kansas City, Missouri
July 22, 1996.

APPENDIX B

[Excerpt from Appellant's Form A]

U.S. COURT OF APPEALS
EIGHTH CIRCUIT

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM,
Plaintiff-Appellant

v.

REIMER & KOGER ASSOCIATES, INC., *et al.*,
Defendants-Appellees

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* * * *

DATE OF DISTRICT COURT JUDGMENT: July 22, 1996

* * * *

DOES THIS CONSTITUTE YOUR STATEMENT OF ISSUES UNDER FRAP 10(b)(3)? (X) Yes. ( ) No.

I. Whether the district court erred in granting defendants summary judgment on the grounds that plaintiff's claims against them are barred by the 2- and 3-year Kansas statutes of limitations?

II. Whether the district court improperly permanently enjoined KPERS from filing in any other court claims against defendants arising out of KPERS' investments in Home Savings?

APPENDIX C

[Filed, August 20, 1996]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

Civil Action No. 92-0922-CV-W-9, 95-0819-CV-W-9

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM,
Plaintiff,

v.

REIMER & KOGER ASSOCIATES, INC., *et al.*,
Defendants.

NOTICE OF APPEAL

Notice is hereby given that Kansas Public Employees Retirement System (KPERS), plaintiff above named, hereby appeals to the United States Court of Appeals for the Eighth Circuit the Judgment entered in favor of defendants I.I. Ozar, the Estate of Frank Morgan, Sherman Dreiseszun, Frank Sebree, Reimer & Koger Associates, Inc., Ron Reimer, Ken Koger, Clifford Shinski, Brent Messick, Robert Crew and Shook Hardy and Bacon and against plaintiff on all claims asserted against these defendants in plaintiff's Amended Complaint and permanently enjoining KPERS from filing in any other court, claims arising out of KPERS' investments in Home Savings against those defendants and KPMG Peat Marwick; Robert W. L. Spence; and Blackwell Sanders Matheny Weary & Lombardi, entered in this action on the twenty-second day of July, 1996.

Respectfully submitted,

/s/ _____
One of Plaintiff's Attorneys

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